



# Enforcing Nation's Oldest, Strongest Civil Rights Law; Ensuring Equal Treatment

In 2005 the Attorney General's Office, through its Division on Civil Rights (DCR), worked vigorously to protect the civil rights of all persons by investigating and prosecuting discriminatory conduct, and by continuing to spread awareness through public outreach of the civil-rights-related obligations of employers, housing providers, health care facilities and others. The year 2005 also marked a milestone in state civil rights history, as New Jersey observed the 60<sup>th</sup> Anniversary of its Law Against Discrimination (LAD), the nation's oldest and most comprehensive state civil rights statute.

## New Services for the Hearing Impaired in Hospitals

In December 2005, AG Harvey announced a new initiative — launched in conjunction with the New Jersey Hospital Association (NJHA) — that will result in improved communication between hospital care providers and patients who are deaf or hard of hearing at more than 100 hospitals throughout the state.

The bedrock of the new initiative is an agreement by 122 NJHA member hospitals to provide sign-language interpreters, assistive listening devices and other "reasonable accommodations" to ensure that persons with hearing loss have access to the same quality of communication with hospital staff as any other patients.

"By law, deaf and hard of hearing patients have a right to the same level of hospital care that anyone else receives. However, equitable treatment cannot be assured — and quality of care may very well be compromised — if communication falters from the outset," said Attorney General Harvey in announcing the new agreement.

There are an estimated 720,000 deaf or hard of hearing persons in New Jersey alone. Advocates agree the number could be substantially higher because it is often difficult to identify those with hearing loss. Absent the services of a sign language interpreter, assistive listening device or other accommodation, deaf and hard of hearing persons often experience difficulty in conveying vital information about their symptoms and medical histories. In addition, patients with hearing loss have complained about being placed in the awkward — and potentially harmful — position of relating sensitive medical or personal information through friends and relatives, including small children.

Complex interactions — the discussion of symptoms, personal history, medical diagnosis,

treatment options, etc. — typically require a certified sign language interpreter, assistive listening device or other accommodation to ensure that vital information is communicated accurately, and in keeping with "informed consent" and patient confidentiality requirements.

By virtue of the New Jersey LAD and the federal Americans with Disabilities Act (ADA), hospitals are required to provide deaf and hard of hearing patients — as well as deaf or hard of hearing third parties who have a legal right to health care information and/or authority to make health care decisions — with an effective means of communicating with hospital staff. The means of communication must be provided with minimal delay, and at no cost to the patient or third party needing the service.

While the law does not require hospitals to provide every service requested by a person with hearing loss, it does require an accommodation that is "reasonable" under the specific circumstances.

As part of the joint initiative, NJHA hospitals agreed to post signs throughout their facilities — including the admissions, registration and emergency care areas — informing persons who are deaf or hard of hearing that the hospital provides reasonable accommodations to individuals who suffer from hearing loss. The hospitals also agreed to assess the individual needs of those who request an accommodation, and provide them with written materials describing the types of services available, and reminding that the services are free. Additional information about the initiative is available by visiting the Division on Civil Rights Web site at [www.NJCivilRights.org](http://www.NJCivilRights.org) or the New Jersey Hospital Association Web site at [www.NJHA.com](http://www.NJHA.com).



*J. Frank Vespa-Papaleo  
Director*

## Division on Civil Rights

The Division on Civil Rights is responsible for enforcing the New Jersey Law Against Discrimination (LAD) and the Family Leave Act (FLA). The two laws were enacted to discourage discrimination in the workplace, in housing, and in public accommodations. The Division investigates allegations of discrimination, and serves as a fair and impartial forum for the airing of formal complaints. In a broader sense, the Division's mission is to foster sensitivity, acceptance and respect among all individuals.

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[www.NJCivilRights.org](http://www.NJCivilRights.org)

## Ensuring Open and Effective Communication In Hospitals

### For Persons Who are Deaf or Hard of Hearing

The New Jersey Hospital Association, a representative organization comprised of over one hundred member hospitals, is working with the New Jersey Attorney General, including the New Jersey Division on Civil Rights, to ensure that hospitals as places of public accommodation are fully accessible to everyone, including people who are deaf or hard of hearing. This fact sheet is intended to assist hospitals and patients in understanding the New Jersey Law Against Discrimination (LAD) as it applies to accommodating the needs of individuals.

## FACT SHEET



## Access to Movie Theaters for Hearing and Visually Impaired

In a related development in 2005, the Division on Civil Rights filed an amended discrimination complaint against Regal Entertainment Group, one of the nation's largest multiplex theater companies, for failing to install technology that would provide access to first-run movies for deaf and hard of hearing patrons, as well as for the blind and visually impaired.

The amended complaint contained a new claim that Regal had violated the New Jersey LAD by failing to install in its theaters the Descriptive Video Service (DVS) Technical System, a system that delivers narration for the blind and visually-impaired enabling them to better follow the action of a movie. DVS provides narrative descriptions through infrared listening systems, which the blind and visually impaired hear through audio headsets. The descriptions heard by DVS users provide information about key visual aspects of films — for example, action settings and scene changes — making the movie experience more meaningful for those with vision loss.

The amended complaint also alleged that

Tennessee-based Regal had violated the LAD by failing to install certain captioning systems that would allow the deaf and hard of hearing to enjoy first-run movies.

Many persons with hearing loss have been unable to fully experience first-run Hollywood movies in a theater setting due to a lack of adequate captioning. Some speak of their sadness at seeing their deaf or hard of hearing children miss the thrill of experiencing a popular new movie, as their hearing friends do, or of not being able to share the experience with their children.

In 2004, the Attorney General's Office and Division on Civil Rights spearheaded a legal initiative that helped ensure that persons with disabilities would have the same opportunity to enjoy first-run movies as everyone else. Through settlement agreements with four major movie chains operating in New Jersey — American Multi-Cinema (AMC), Loews Cineplex Theaters, Clearview Cinemas, and National Amusements — the State brought cutting edge deaf captioning technology to multiplex theater screens across New Jersey.

(In addition, AMC, Clearview and National Amusements agreed to install the DVS technol-

ogy.) As a result of the deaf captioning agreements, New Jersey improved from three to 38 screens that offered new captioning technology for the deaf and hard of hearing — more than any other state. In each case, the four participating theater chains chose a form of closed captioning known as Rear Window Captioning. However, the Attorney General's Office made plain that it viewed either Rear Window Captioning or another approach, known as Open Caption Projection, as "reasonable" accommodations for the deaf and hard of hearing, and had no preference.

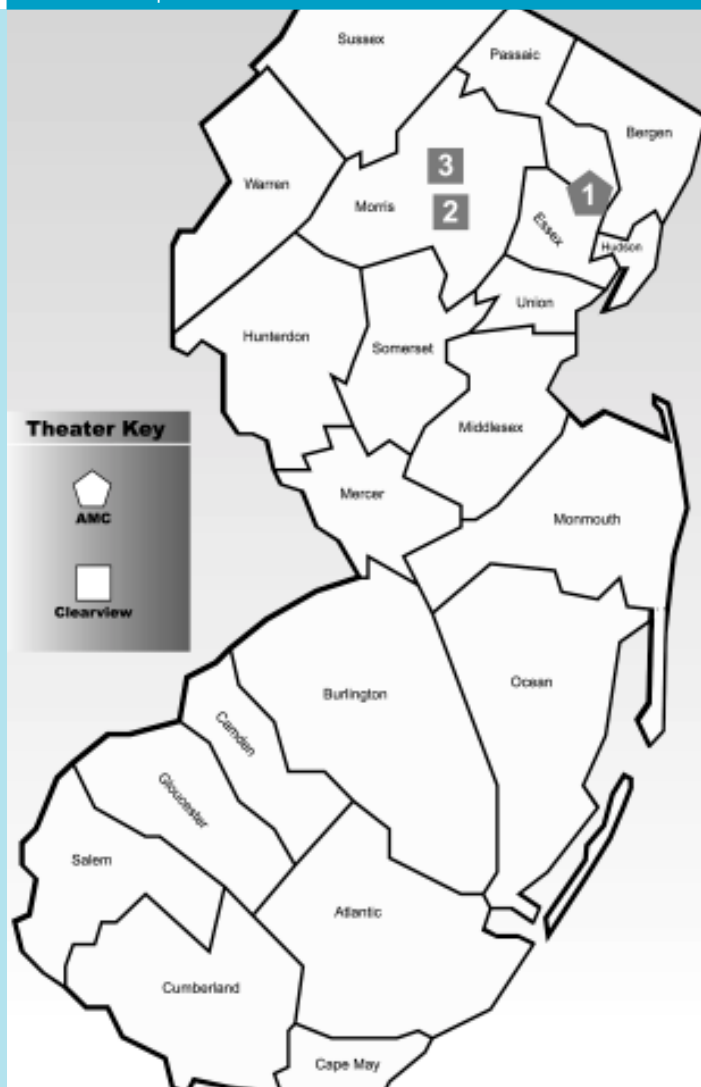
## Anti-Discriminatory Enforcement and Education

Other outreach efforts, initiatives and cases from 2005 included:

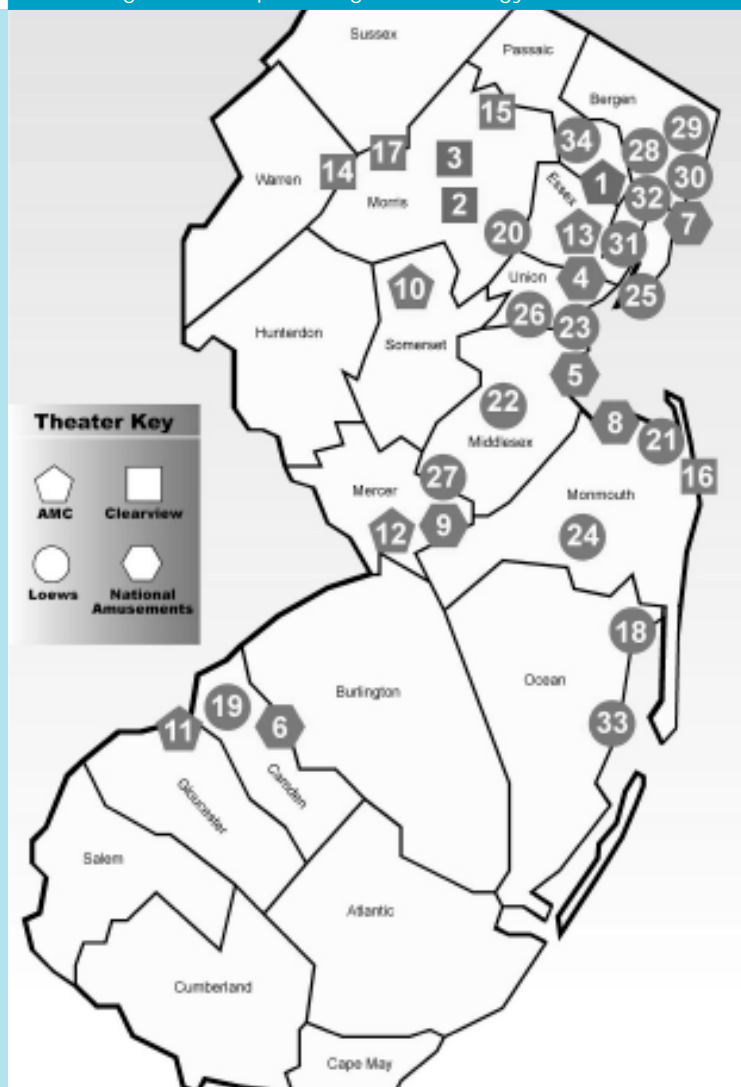
### ❖ Shopping Center Access

The obtaining of commitments from six major shopping centers in New Jersey to better accommodate persons with disabilities by either installing automatic doors for the first time, or installing additional automatic doors and making other changes. As part of a statewide shopping

## Before Agreements with Multiplexes - 3 Screens



## After Agreements Installing New Captioning Technology - 35 Screens



mall accessibility initiative, Division on Civil Rights staff began testing the accessibility of entrance and exit areas at 28 shopping malls throughout New Jersey in late 2004. As a result of the inspections, six malls were found to be deficient because they lacked power-assisted or automatic doors to accommodate shoppers with disabilities or impairments. The six malls included: Burlington Center in Burlington, Shore Mall in Egg Harbor Township, Newport Center Mall in Jersey City, Menlo Park Mall in Edison, Cumberland Mall in Vineland, and Cherry Hill Mall in Cherry Hill.

### ❖ Religious Discrimination

The issuance of a Finding of Probable Cause against Fairleigh Dickinson University for allegedly discriminating against a Muslim nursing student by requiring that she remove her religious head covering, known as a khimar. A Finding of Probable Cause is not a final resolution or a definitive determination that violations of the LAD have occurred. It means the State has completed its investigation, and determined there was sufficient evidence to support a reasonable suspicion the alleged conduct occurred. A Finding of Probable Cause moves a case to the next level procedurally. As of this writing, the matter remains pending.

### ❖ Disability Discrimination

The issuance of a Finding of Probable Cause against the community association at an Atlantic County condominium complex for failing to accommodate the needs of a blind resident endangered by a potentially hazardous condition in the parking area. Named as a Respondent in the Finding of Probable Cause document was the Community Association of Mays Landing. The Community Association was accused of creating a danger to a blind resident by failing to relocate a parking space that, when occupied, allegedly forced the man to deviate from his normal walking path to his mailbox. The matter remains pending.

In an unrelated disability discrimination case, the Division issued a Finding of Probable Cause against an Essex County auto supply firm, Herman's Auto Parts and Supplies of Irvington, for allegedly refusing service to a deaf man who tried to contact the business using a TTY or "telephone typewriter," and the services of a New Jersey Relay operator.

### ❖ Housing Discrimination

The issuance of a Finding of Probable Cause against two separate Passaic County landlords. In one case, the landlord was accused of denying housing to a prospective tenant after learning that his female roommate was an African American. In

the other, unrelated case, a landlord was accused of denying housing to a would-be tenant because he was Hispanic.

### ❖ Education

The holding of a public forum in June 2005, at Rutgers University in New Brunswick, focused on the rights of the gay, lesbian, bisexual and transgender communities. Entitled "Protecting Sexual Minorities from Discrimination in Employment, Housing and Public Accommodations," the forum was the first of its kind ever sponsored by the Division on Civil Rights. The goal of the program was educational — to help share with attendees the legal protections afforded to gays, lesbians, bisexuals and transgender persons under State law.

The Division on Civil Rights also convened its Second Annual Disability Law Conference: "Protecting the Rights of People with Mental Disabilities." Broken into two sessions on separate dates — one at Ancora Psychiatric Hospital in Camden County, the other at Bergen Community College in Bergen County — the free event drew an audience that reflected a cross-section of persons interested in the rights, and concerns, of those with mental or intellectual disabilities.

## Movie Theater Key

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|--|---|
| 1 Clifton Commons 16, Clifton                          | 17 Succasunna Cinema 10, Succasunna         |
| 2 Morristown Headquarters Theatre 10, Morristown       | 18 Brick Plaza, Bricktown                   |
| 3 Parsippany Cinema 12                                 | 19 Cherry Hill Theatre, Cherry Hill         |
| 4 All-Jersey Multiplex Cinemas, Newark                 | 20 East Hanover 12, East Hanover            |
| 5 Amboy Multiplex Cinemas, Sayreville                  | 21 Monmouth Mall 15, Eatontown              |
| 6 Atco Multiplex Cinemas, Atco                         | 22 Menlo Park 12, Edison                    |
| 7 Edgewater Multiplex Cinemas, Edgewater               | 23 Loews Jersey Gardens Theatres, Elizabeth |
| 8 Hazlet Multiplex Cinemas, Hazlet                     | 24 Freehold Metroplex 14, Freehold          |
| 9 Multiplex Cinemas at Town Center Plaza, East Windsor | 25 Newport Centre 11, Jersey City           |
| 10 Bridgewater Commons 7, Bridgewater                  | 26 Mountain Side 10, Mountainside           |
| 11 Deptford 8, Deptford                                | 27 Loews New Brunswick, New Brunswick       |
| 12 Hamilton 24, Hamilton                               | 28 Route 4 10 Plex, Paramus                 |
| 13 Essex Green 9, West Orange                          | 29 Route Seventeen 3, Paramus               |
| 14 Mansfield Cinema 14, Hackettstown                   | 30 Ridgefield Park 12, Ridgefield Park      |
| 15 Kinnelon 11, Kinnelon                               | 31 Meadow Six, Secaucus                     |
| 16 Middlebrook Cinema 10, Ocean Township               | 32 Plaza Eight, Secaucus                    |
|  | 33 Seacourt 10, Toms River                  |
|  | 34 Wayne 8, Wayne                           |

*The Attorney General's Office, through its Division on Civil Rights, has made combating housing discrimination a top priority. This brochure was distributed to landlords and real estate professionals, as well as others, to generate awareness of changes in the law pertaining to housing, and to remind that the DCR was determined to be proactive in investigating and prosecuting violators.*

